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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/542,343	04/05/2000	Yasuyuki Ogawa	35.C14412	6884

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NEW YORK, NY 10112

EXAMINER

HENN, TIMOTHY J

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/542,343	Applicant(s) OGAWA, YASUYUKI	
	Examiner Timothy J Henn	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-10 and 12-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-10 and 12-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 April 2000 and 02 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02 July 2004 has been entered.

Response to Amendment

2. The amendments to the title overcome the previous objections, these objections are therefore withdrawn.

3. The amendments to claims 3, 10 and 15 overcome the rejections under 35 U.S.C. §112 second paragraph, these rejections are therefore withdrawn.

Response to Arguments

4. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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6. Claims 1-3, 5-10, 12-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoi et al. (US 2003/0169349) in view of Ogawa (US 6,031,999) in further view of Anderson et al. (US 5,963,255).

[claim 1]

Regarding claim 1, Aoi discloses an image processing apparatus comprising: recording means for recording image data in a recording medium (Figure 17B, Item 200 or 210), display means for displaying an image (Figure 1, Item 105), a display unit for indicating that a process is being executed (Figure 1, Item 104; Paragraph 0067-0070), the display unit having a lower power consumption than the display means (the examiner notes that a smaller display such as display 104 will inherently have a lower power consumption than a larger display such as display 105) and a power supply for supply electric power to said display means and said display unit (Figure 17B, Item 86). However, Aoi lacks judging means, recording control means and power supply control means as claimed.

Ogawa teaches a camera which includes a judging means for judging if a power capacity of a power supply and power supply control means which deactivates camera devices in an order of larger power consumption as a power capacity decreases so as to ensure a photographic operation can be continued without missing a shutter opportunity as long as sufficient power capacity remains (c. 8, ll. 9-19). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the judging means and power supply control means of Ogawa in the camera of Aoi to ensure a photographic operation can be continued without missing a

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shutter opportunity as long as sufficient power capacity remains. The examiner notes that in such a system the image display (e.g. Aoi; Figure 1, Item 105) would be shut off at a first power capacity level while the status display (e.g. Aoi; Figure 1, Item 104) would continue to function due to its lower power requirements.

However, Aoi in view of Ogawa lacks judging during a writing of image data and recording control means for inhibiting a new image from being recorded after completion of writing to said recording means when a judging result of said judging means in relation to the first capacity is affirmative. Anderson teaches a camera with multiple power levels which checks power state levels and determines if an image processing function is currently being performed (i.e. judging during a writing of image data) and prevents additional images from being captured and thus written by the camera if a power level drops below a specified threshold (c. 7, ll. 23-59, specifically "Power State 2"). The system of Anderson allows additional image processing functions (e.g. writing) to be completed before the camera is placed into a power failure state. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the battery check and recording control system of Anderson in the camera of Aoi in view of Ogawa to allow remaining image processing functions to be completed and prevent additional images from being recorded when a power capacity level reaches a critical point. The examiner notes that in such a combination the recording system of the camera would be turned off after the display means since image displays on cameras typically use the highest amount of power in a camera system. Therefore, the threshold level at which the recording means is deactivated

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would be smaller "in relation to the first capacity" wherein the first capacity is the threshold level at which the display means is deactivated.

[claim 2]

Regarding claim 2, Aoi discloses indicating a remaining amount of the battery on a status LCD display (Paragraph 0068). Official Notice is taken that it is notoriously well known to display remaining amount of battery using a multi-segment display bar where each bar indicates a percentage of the battery life. In such a system, when the battery falls below a certain threshold, a bar is turned off to inform or "warn" to the user of the remaining battery capacity. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to "warn" or inform the user of the remaining battery capacity. The examiner notes that this process would start at a "second capacity" which is far above the first capacity at which the image display would be turned off.

[claim 3]

Regarding claim 3, Aoi discloses a warning means different from the image display means (Figures 1, 17A, 17B).

[claim 5]

Regarding claim 5, Aoi discloses a power source which is a battery (Paragraph 0087).

[claim 6]

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Regarding claim 6, Aoi discloses recording means which is detachable from the apparatus main body (Figure 17B, Items 200 or 210).

[claim 7]

Regarding claim 7, Aoi discloses output means (Figure 17B, Items 92 or 96) for outputting image data to an external apparatus (Figure 17B, Items 200 or 210) wherein said power supply control means controls a power supply capacity to said output means (Figure 17B).

[claims 8-10 and 12-14]

Claims 8-10 and 12-14 are method claims corresponding to apparatus claims 1 and 5-7. Therefore, claims 8 and 12-14 are analyzed and rejected as previously discussed with respect to claims 1 and 5-7.

[claims 15/8-15/10 and 15/12-15/14]

In regard to claims 15/8-15/10 and 15/12-15/14 note that Aoi in view of Ogawa in view of Anderson et al. discloses all limitations except for a computer program or software implementation of the methods claimed. However, it is well known in the art to implement methods in software to allow for easy upgrades to the system in the future without the need for re-designed hardware components (Official Notice). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the method of claims 8-10 and 12-14 in software to allow for easy upgrades in the future.

[claims 16 and 17]

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In regard to claims 16 and 17, it is noted that claims 1 and 2 disclose all limitations of claims 16 and 17 with the addition of a display device. Therefore, claims 16 and 17 are analyzed and rejected as previously discussed with respect to claims 1 and 2. The office further notes that claims 16 and 17 contain the limitation "wherein power consumption of said another display unit is lower than power consumption of the image processing apparatus". This limitation is inherent in the system of both the claim and the camera of Aoi et al. Since the display device is only one component of an overall system including multiple components, the display device must have a lower power consumption than the overall system which includes the display device.

[claim 18]

In regard to claim 18 note that Aoi in view of Ogawa in view of Anderson et al. discloses all limitations except for a computer program or software implementation of the methods claimed. However, it is well known in the art to implement methods in software to allow for easy upgrades to the system in the future without the need for re-designed hardware components (Official Notice). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the method of claims 8 and 1 1-14 in software to allow for easy upgrades in the future.

Conclusion

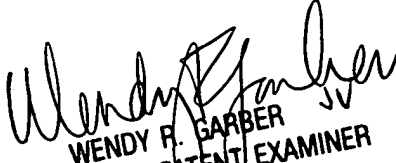
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J Henn whose telephone number is (703) 305-8327. The examiner can normally be reached on M-F 9:00 AM - 6:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TJH
1/7/2005


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